

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

GO COMPUTER, INC.,

Plaintiff,

v.

MICROSOFT CORPORATION,

Defendant.

No. C 05-02661 JSW

**ORDER GRANTING MOTION
FOR LEAVE TO FILE MOTION
FOR RECONSIDERATION AND
DENYING MOTION FOR
RECONSIDERATION**

This matter comes before the Court upon consideration of Plaintiff's motion for leave to file a motion for reconsideration of the Court's Order relating this case to *Go Computer, Inc. v. Microsoft Corporation*, 05-3356. Because the motion for leave to file a motion for reconsideration sets forth both the reasons Plaintiff seeks leave for reconsideration and the reasons for its opposition to relating these cases, the Court shall construe the motion for leave to file a motion for reconsideration as the motion for reconsideration. Microsoft has filed an opposition to Plaintiff's motion, and the Court deems the matter submitted.

The Court shall grant Plaintiff's leave to file the motion for reconsideration, in light of the fact that the Court's Order was based in part upon its belief that Plaintiff had not filed an opposition to the motion.¹

The motion for reconsideration is denied. Plaintiff's position is that this Court does not have jurisdiction to determine whether these cases were related because the earlier filed case had

¹ The Court notes that pursuant to Northern District Civil Local Rule 3-12(e), a party is supposed to lodge copies of any opposition filed to an administrative motion to determine whether cases are related "with the Chambers of all Judges identified in the motion."

1 been transferred by the Judicial Panel on Multi-District Litigation. Local Rule 3-12(b) provides
2 for filing an administrative motion seeking to relate a case that “is or *was* pending in this
3 District.” Local Rule 3-12(f) provides that “the Judge in this District who is assigned to the
4 earliest filed case will decide if the cases are or are not related.” Thus, the fact that the earlier
5 filed case had been transferred did not preclude this Court from ruling on the motion. As such,
6 the Court shall not reconsider its decision on that basis.

7 Moreover, the Court has considered the opposition attached to Plaintiff’s motion for
8 leave to file a motion for reconsideration and concludes that nothing set forth therein would
9 have altered its decision to relate the cases.

10 As such, the motion for reconsideration is DENIED. Case Number 05-3356 remains
11 assigned to this Court.

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13 **IT IS SO ORDERED.**

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15 Dated: September 27, 2005

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18 JEFFREY S. WHITE
19 UNITED STATES DISTRICT JUDGE
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